

Message Text

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TO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 050680

LIMDIS FOR ROBERT ROSENSTOCK US LEGAL DIV ONLY

FOL REPEAT SAN JOSE 919 ACTION SECSTATE DTD 4 MAR.

QUOTE

C O N F I D E N T I A L SAN JOSE 0910

LIMDIS

FOR ARA/CEN - PLEASE PASS TO OFFICE OF US ATTORNEY,
SOUTHERN DISTRICT OF NEW YORK

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: VESCO EXTRADITION: THE LAWYER'S QUESTIONS

REF: (A) SAN JOSE 870, (B) SAN JOSE 869; (C) SAN JOSE 737

1. EMBOFF HAS SPOKEN TO SOUTHERN DISTRICT'S COSTA RICAN LAWYER
ABOUT STATUS RECHNITZER CASE AND EXTRADITION LAW. LAWYER CONFIRMED
IN GENERAL TERMS SUBSTANCE REFTELS A, B, C. RE JUDGE OF
INSTRUCTION'S DECISION IN RECHNITZER CASE (REF C), LAWYER
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VOLUNTEERED HIS VIEW THAT JUDGE WAS PROCEDURALLY INCORRECT WHEN
HE THREW OUT CASE. HE EMPHASIZED, HOWEVER, THAT HE WOULD
HAVE TO STUDY MATTER FURTHER BEFORE BEING ABSOLUTELY SURE.

2. LAWYER ASKED IF EMBASSY COULD EXPLAIN BY FISKE'S OFFICE HAD
NOT CONTACTED HIM DIRECTLY SINCE HE HAD SUBMITTED STUDY WHICH HAD
BEEN AGREED-UPON DURING HIS NEW YORK CONSULTATION, WHY HE HAD

NOT BEEN ABLE TO REACH MR. FISKE BY TELEPHONE, OR WHY HIS CALLS HAD NOT BEEN RETURNED. HE EMPHASIZED AGAIN THAT HE IS STILL OF VIEW THAT IF USG IS GOING TO PROCEED IN THIS CASE, EXTRADITION EFFORT MUST BE INITIATED BEFORE VESCO FORMALLY FILES FOR COSTA RICAN CITIZENSHIP.

LAWYER ALSO SUGGESTED AGAIN THAT AN EXPEDITIOUS WAY TO ANSWER AND RESOLVE OUTSTANDING QUESTIONS WOULD BE FOR SOMEONE FROM SOUTHERN DISTRICT TO TRAVEL TO COSTA RICA FOR CONSULTATION HERE.

3. EMBOFF AGAIN SUGGESTED THAT LAWYER CALL NEW YORK, WHICH LAWYER SAID HE WOULD ATTEMPT OVER NEXT FEW DAYS. EMBOFF ALSO PROMISED TO CONVEY LAWYER'S VIEWS TO WASHINGTON AND NEW YORK.

4. ACTION REQUESTED: THAT DEPARTMENT SUGGEST TO U.S. ATTORNEY'S OFFICE THAT PHONE CALL OR OTHER MESSAGE TO LAWYER IS IN ORDER EVEN IF ONLY TO ASSURE LAWYER THAT SOUTHERN DISTRICT IS STILL STUDYING HIS REPORT AND AWAITING MORE CONCRETE DEVELOPMENTS RE RECHNITZDR CASE AND EXTRADITION LAW QUESTION. KILDAY

UNQUOTE VANCE

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